

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NIAGARA

-----X Index No.:
NICHOLAS TATE, Date Purchased:

Plaintiff, Plaintiff designates
NIAGARA
County as the place of trial.

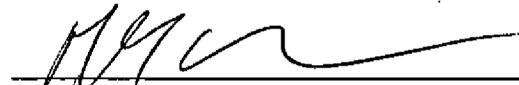
-against-
ST. TERESA'S ROMAN CATHOLIC CHURCH,
THE ROMAN CATHOLIC DIOCESE OF BUFFALO,
JOHN DOE and JANE DOE, priests, clergy and
Administrators whose names are unknown to the
Plaintiff, The basis of the venue is
Defendants' place of
business.

SUMMONS

Defendants.
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To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. -

Dated: New York, New York
August 22, 2019
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NIAGARA

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NICHOLAS TATE,

Plaintiff,

Index No.:

Date Filed:

-against-

ST. TERESA'S ROMAN CATHOLIC CHURCH,
THE ROMAN CATHOLIC DIOCESE OF BUFFALO,
JOHN DOE and JANE DOE, priests, clergy and
Administrators whose names are unknown to the
Plaintiff,

VERIFIED COMPLAINT

Defendants.

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PLAINTIFF, by his attorneys, MICHAEL G. DOWD, as and for Complaint,
alleges and complains of the DEFENDANT as follows:

THE PARTIES

1. At all times hereinafter mentioned, PLAINTIFF NICHOLAS TATE (hereinafter "PLAINTIFF") was born on November 19, 1959 and currently resides in Florida.

2. PLAINTIFF was a Roman Catholic and was a parishioner at Defendant ST. TERESA OF THE INFANT JESUS CATHOLIC CHURCH (hereinafter "ST. TERESA'S"), in Niagara Falls, New York, which is a parish within the Defendant THE ROMAN CATHOLIC DIOCESE OF BUFFALO.

3. Upon information and belief, FR. RICHARD JUDD (hereinafter "FR. JUDD") was assigned by the BUFFALO DIOCESE as a priest at ST. TERESA'S in or about 1975.

4. Upon information and belief, and at all times hereinafter mentioned, THE ROMAN CATHOLIC DIOCESE OF BUFFALO (hereinafter "BUFFALO DIOCESE") was and is a not-for-profit religious corporation organized and existing around and under by virtue of the

laws of the State of New York. Its principal headquarters are located in Buffalo, New York, which is in Erie County.

5. PLAINTIFF was baptized, confirmed, attended mass, and received his sacraments through the Roman Catholic Church.

6. Upon information and belief, BISHOP RICHARD JOSEPH MALONE ("BISHOP") is currently the Roman Catholic Bishop of the BUFFALO DIOCESE.

7. Upon information and belief BISHOP is the Chief Executive Officer of all parishes and parish schools in the BUFFALO DIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including Defendant ST. TERESA'S.

8. Upon information and belief, all of BISHOP'S predecessor(s) were the Chief Executive Officer of all parishes and parish schools in the BUFFALO DIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including FR. JUDD. This includes those Bishops who assigned FR. JUDD to his parish positions.

9. Upon information and belief, at all times mentioned herein, BISHOP (including his above-referenced predecessor Bishops) and Defendant BUFFALO DIOCESE created the policies and procedures to be followed by priests within the BUFFALO DIOCESE. BISHOP and Defendant BUFFALO DIOCESE were responsible for investigating complaints against its parish clergy. In this capacity, the BISHOP either directly or through Diocesan officials appointed by them, established policies and procedures by which complaints of sexual abuse against parish clergy, priests, and staff were to be dealt with and investigated by the BUFFALO DIOCESE.

10. Upon information and belief, at all times mentioned herein, BISHOP was also responsible for removing and/or suspending parish clergy and priests from their duties.

11. Upon information and belief, at all times mentioned herein, FR. JUDD was the pastor at Defendant ST. TERESA'S having been assigned and otherwise authorized to work there by the then Bishop predecessor of BISHOP.

12. As a result of the incidents detailed below, PLAINTIFF sustained and continues to sustain severe emotional injuries as well as pain and suffering.

13. The injuries and damages PLAINTIFF sustained were caused solely and wholly by reason of the intent, negligence, carelessness, and/or recklessness of BUFFALO DIOCESE as detailed below and with no negligence on the part of PLAINTIFF contributing thereto.

JURISDICTION AND VENUE

14. Jurisdiction and venue is properly laid in Niagara County pursuant to Civil Practice Law & Rules ("CPLR") §§ 301, 302(a), 503 and 508 insofar as the events and circumstances giving rise to the causes of actions and claims set forth herein arose in Niagara County.

15. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.

FIRST CAUSE OF ACTION **(For Negligence – Failure To Supervise)**

16. On February 23, 1975 PLAINTIFF was sexually abused by FR. JUDD in the rectory of ST. TERESA'S located in Niagara County.

17. PLAINTIFF met FR. JUDD in the winter months of 1974, several months before the sexual abuse occurred. FR. JUDD had recently joined ST. TERESA'S where PLAINTIFF was a parishioner and a devout Catholic.

18. Upon his arrival at ST. TERESA'S, FR. JUDD quickly developed a reputation as one of the "cool" priests among the teen boys in the neighborhood. He often doffed his collar and

wore street clothes. He was known among young teens as someone to talk to about the many issues that concern teenage boys, several of which were beyond the bounds of church-sanctioned discussions. This included conversations regarding sex, girls, birth control, abortion, masturbation, homosexuality, and STDs.

19. In such conversations, FR. JUDD made clear that he didn't agree with all of the teachings of the Church, and suggested to PLAINTIFF, on more than one occasion, that good Catholics could break with certain positions of the Vatican and still be on the good side of the Church. In retrospect, it is obvious FR. JUDD was grooming PLAINTIFF and several of the other teenage boys that frequented ST. TERESA'S. These conversation with PLAINTIFF were FR. JUDD'S efforts to groom PLAINTIFF so he could sexually abuse him.

20. Over the next three (3) months, FR. JUDD became closer with PLAINTIFF by inviting him and other young boys from the parish to spend time with him away from ST. TERESA'S. FR. JUDD regularly met PLAINTIFF and other minor boys in the rectory where they would drink Budweiser beer and smoke cigarettes with FR. JUDD. FR. JUDD also took PLAINTIFF and other minor boys to Buffalo Sabres hockey games, providing them with whiskey from a flask he often kept with him. FR. JUDD always admonished PLAINTIFF and the other boys not to tell their parents about their activities together. These conversations and activities with PLAINTIFF were FR. JUDD'S efforts to groom PLAINTIFF so he could sexually abuse him.

21. FR. JUDD spent extra one-on-one time with PLAINTIFF on several occasions by signing him out of school on weekday afternoons. On at least one occasion FR. JUDD provided PLAINTIFF with a permission slip stating that PLAINTIFF would be traveling to a seminary in Canada. FR. JUDD concocted a "cover story" for PLAINTIFF's teachers and parents, claiming

that PLAINTIFF wanted to enter the priesthood and a trip to the seminary would be good for him. These conversations with PLAINTIFF were FR. JUDD'S efforts to groom PLAINTIFF so he could sexually abuse him.

22. After FR. JUDD picked PLAINTIFF up from school, he removed his collar and headed to Buffalo to go bar hopping. FR. JUDD brought PLAINTIFF to bars he was familiar with and provided PLAINTIFF numerous beers to drink. PLAINTIFF eventually became intoxicated. PLAINTIFF's parents never suspected that anything nefarious had occurred.

23. Subsequently, on February 23, 1975, PLAINTIFF and two other young boys, Jerry T. and Mathew W., were hanging out in the rectory with FR. JUDD. Soon after the boys' arrival, FR. JUDD told the housekeeper to leave early. PLAINTIFF observed what he interpreted as a concerning demeanor from the housekeeper, as she seemed to be aware that FR. JUDD was engaging in inappropriate behavior. For several hours PLAINTIFF and the other boys and FR. JUDD drank beer, watched sports, and smoked cigarettes, until PLAINTIFF started to become intoxicated.

24. After hours had passed, FR. JUDD asked Jerry T. if he should invite someone named Grace Anne to the apartment. Although PLAINTIFF did not recognize the individual FR. JUDD mentioned, the manner in which FR. JUDD posed the question made it clear to PLAINTIFF that Jerry T. was familiar with Grace Anne. Jerry T. indicated that FR. JUDD should give her a call.

25. Grace Anne subsequently arrived at the rectory. She appeared to be a few years older than PLAINTIFF, who was only Fifteen (15) years old at the time. When she arrived, Grace Anne went to the bedroom with FR. JUDD and Jerry T. joined her. FR. JUDD instructed PLAINTIFF and Matthew W. to undress in the bathroom and wait for his command.

26. Shortly thereafter FR. JUDD called to PLAINTIFF and Matthew W. and they entered the bedroom. PLAINTIFF observed Jerry T. engaging in sexual intercourse with Grace Anne, with FR. JUDD assisting by manipulating Jerry T.'s penis and instructing Jerry T. from behind. All three were in a state of complete undress. PLAINTIFF quickly felt uncomfortable as he stood observing Jerry T., FR. JUDD, and Grace Anne naked in bed, the latter of which appeared to be under the influence of some type of drug. PLAINTIFF had never engaged in sexual intercourse before.

27. After Jerry T. had finished, Matthew W. was asked by FR. JUDD to come on to the bed. Matthew W. began having sexual intercourse with Grace Anne, with FR. JUDD assisting by instructing from behind Matthew W. After a few minutes, FR. JUDD approached PLAINTIFF who was standing against the bedroom wall observing Matthew W. and Grace Anne engaging in sexual intercourse. Noticing that PLAINTIFF did not have an erection, he stated, "Here, let me help you with that," as he began to fondle PLAINTIFF's penis and genitals. He attempted to perform oral sex on PLAINTIFF by lowering his head in front of PLAINTIFF, but PLAINTIFF pushed him away. At first FR. JUDD refused to stop and then finally, after a period of time, relented.

28. Then after a few minutes, FR. JUDD told PLAINTIFF it was his turn to get into bed and have intercourse with Grace Anne. PLAINTIFF asked FR. JUDD to leave the room. FR. JUDD initially resisted, replying with words to the effect "it's more fun with the three of us." This indicated to PLAINTIFF that FR. JUDD wanted to have a threesome with PLAINTIFF and the female. Soon however, FR. JUDD complied and left the room. At FR. JUDD's insistence, he engaged in sexual intercourse with Grace Anne. PLAINTIFF soon thereafter

realized that FR. JUDD had been observing PLAINTIFF and Grace Anne from outside of the bedroom while masturbating.

29. As soon as PLAINTIFF stopped, he quickly dressed and exited the rectory without a word to FR. JUDD, Matthew W. or Jerry T. He walked past ST. TERESA'S to his home and didn't tell anyone about what happened. The following day, PLAINTIFF noted in his daily journal: "Yesterday I got fucked by Grace Ann."

30. A few days later PLAINTIFF went to confession to seek absolution for what had occurred. FR. JUDD was the only priest at ST. TERESA'S that day. During confession, PLAINTIFF detailed what had happened as if he was speaking to a different priest. FR. JUDD listened without saying a word, concluding the session with the traditional prayers of absolution and obligating PLAINTIFF to perform three "Hail Mary's" and one "Our Father" as penance.

31. PLAINTIFF never spoke to FR. JUDD again. He stopped attending ST. TERESA'S and quit going to Church altogether. Out of embarrassment, he fell out of touch with Matthew W. and Jerry T. and never discussed FR. JUDD's sexual abuse with them.

32. ST. TERESA'S and BUFFALO DIOCESE administrators and employees knew or should have known about FR. JUDD's predatory behavior towards PLAINTIFF prior to the date he was abused. Despite knowledge of FR. JUDD's behavior, at no time did ST. TERESA'S or BUFFALO DIOCESE report FR. JUDD to lawful civil authorities. Upon information and belief, neither ST. TERESA'S nor BUFFALO DIOCESE employees ever sought to find out whether PLAINTIFF was abused by FR. JUDD.

33. There was ample notice of FR. JUDD's propensity to sexually abuse PLAINTIFF. The instance of alleged sexual abuse occurred at the ST. TERESA'S rectory where FR. JUDD regularly invited young teen boys to spend time drinking alcohol and smoking cigarettes. FR.

JUDD's hang out sessions with the teenage boys in the rectory occurred immediately upon his arrival at ST. TERESA'S. In fact as discussed above, on the day of the sexual abuse described herein, the housekeeper, a ST. TERESA'S and BUFFALO DIOCESE employee, observed FR. JUDD with PLAINTIFF and two other boys. FR. JUDD asked her to leave the rectory before her shift had concluded. PLAINTIFF observed an expression on said housekeeper's face that told him she was concerned about FR. JUDD'S behavior with the PLAINTIFF and the other boys.

34. In 2018, BUFFALO DIOCESE included FR. JUDD on a list of priests credible accused of sexual abuse. This is an admission by BUFFALO DIOCESE that FR. JUDD sexually molested minor parishioners.

35. From soon after the abuse commenced through the present time, as a result of FR. JUDD's aggravated sexual abuse, inappropriate touching, and boundary violations, PLAINTIFF has experienced a wide-range of serious psychological and emotional problems. These problems include, but are not limited to, severe depression, low self-esteem, anxiety, inability to manage anger, alcoholism and drug abuse, sex addiction, difficulty trusting others, guilt and shame.

36. The abuse has also negatively impacted his family relationships. PLAINTIFF has had difficulty affectionate touching others, including his wife, without experiencing a feeling of anxiety. The impact of the abuse has prevented and will continue to prevent PLAINTIFF from obtaining full enjoyment of his life.

37. ST. TERESA'S and BUFFALO DIOCESE assumed a duty to protect the safety and welfare of PLAINTIFF as a member of ST. TERESA'S. ST. TERESA'S and BUFFALO DIOCESE had a duty to properly supervise FR. JUDD, not only because he was an employee, but because of their duty to supervise and protect PLAINTIFF as a minor parishioner. While FR. JUDD was their employee and while PLAINTIFF was a parishioner ST. TERESA'S, BUFFALO

DIOCESE failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances. ST. TERESA'S and BUFFALO DIOCESE are liable to PLAINTIFF for their negligence in failing to supervise PLAINTIFF and FR. JUDD while he was in their care and custody. ST. TERESA'S and BUFFALO DIOCESE were wanton, reckless, officially tolerant and deliberately indifferent to the abuse of PLAINTIFF.

38. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some of all of these injuries are of a permanent and lasting nature; and PLAINTIFF will become obligated to expend sums of money for medical expenses for treatment of these maladies.

39. That by reason of the foregoing, ST. TERESA'S and BUFFALO DIOCESE are also liable to PLAINTIFF for punitive and exemplary damages.

40. It is hereby alleged that pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR §§ 1602(7) and 1602(11).

41. That the amount of damages sought exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

SECOND CAUSE OF ACTION

(For Negligence – Failure To Provide a Safe and Secure Environment)

42. PLAINTIFF repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.

43. ST. TERESA'S and BUFFALO DIOCESE assumed a duty to protect the safety and welfare of PLAINTIFF as a minor parishioner at ST. TERESA'S. This duty imposed upon ST. TERESA'S and BUFFALO DIOCESE was to provide a reasonably safe and secure environment for students in its care. ST. TERESA'S and BUFFALO DIOCESE had actual and/or constructive knowledge of FR. JUDD's abuse of PLAINTIFF and failed to take any steps to stop the abuse or prevent harm to PLAINTIFF. When PLAINTIFF was in their care, ST. TERESA'S and BUFFALO DIOCESE failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

44. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some of all of these injuries are of a permanent and lasting nature; and PLAINTIFF will become obligated to expend sums of money for medical expenses for treatment of these maladies.

45. That by reason of the foregoing, ST. TERESA'S and BUFFALO DIOCESE are also liable to PLAINTIFF for punitive and exemplary damages.

46. It is hereby alleged that pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR §§ 1602(7) and 1602(11).

47. That the amount of damages sought exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

THIRD CAUSE OF ACTION
(For Negligence – Retention)

48. PLAINTIFF repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.

49. ST. TERESA'S and BUFFALO DIOCESE assumed the obligation to protect PLAINTIFF from foreseeable harm when he was in their care. Part of this duty included not retaining an employee such as FR. JUDD who engaged in widespread sexually abusive and/or criminal conduct towards a student like PLAINTIFF. ST. TERESA'S and BUFFALO DIOCESE had actual and/or constructive knowledge of FR. JUDD's abuse of PLAINTIFF and failed to take any steps to stop the abuse or prevent harm to PLAINTIFF. When PLAINTIFF was in their care, ST. TERESA'S and BUFFALO DIOCESE failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

50. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some of all of these injuries are of a permanent and lasting nature; and PLAINTIFF will become obligated to expend sums of money for medical expenses for treatment of these maladies.

51. That by reason of the foregoing, ST. TERESA'S and BUFFALO DIOCESE are also liable to PLAINTIFF for punitive and exemplary damages.

52. It is hereby alleged that pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPRL § 1601 by reason of one or more of the exemptions

provided in CPLR § 1602, including but not limited to, CPLR §§ 1602(7) and 1602(11).

53. That the amount of damages sought exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

FOURTH CAUSE OF ACTION

(For Negligence – Failure to Warn and/or Train Relating to Child Abuse)

54. PLAINTIFF repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.

55. The facts clearly demonstrate that ST. TERESA'S and BUFFALO DIOCESE did not establish effective professional training and education programs and procedures for their employees calculated to prevent abuse of children under their care or to comply with the laws of New York, relating to mandated reporting of child abuse. Further, ST. TERESA'S and BUFFALO DIOCESE had a duty and responsibility to warn and/or educate PLAINTIFF and his parents on the problem of sexual abuse of children in facilities within ST. TERESA'S and BUFFALO DIOCESE. ST. TERESA'S and BUFFALO DIOCESE failed to establish any warning, education and/or training programs calculated to prevent and detect sexual abuse of minor parishioners, including PLAINTIFF, by persons such as FR. JUDD. In not establishing such warning, training, and education programs, ST. TERESA'S and BUFFALO DIOCESE failed to exercise the degree of care that a reasonably prudent person or parent would have exercised under similar circumstances. ST. TERESA'S and BUFFALO DIOCESE were wanton, reckless, officially tolerant and deliberately indifferent to FR. JUDD's abuse of PLAINTIFF.

56. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, fright, anxiety, family turmoil, a severe shock to his nervous system, and has been caused to suffer physical pain and

mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some of all of these injuries are of a permanent and lasting nature; and PLAINTIFF will become obligated to expend sums of money for medical expenses for treatment of these maladies.

57. That by reason of the forgoing, ST. TERESA'S and BUFFALO DIOCESE are also liable to PLAINTIFF for punitive and exemplary damages.

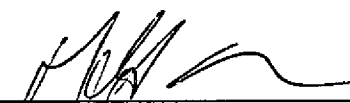
58. It is hereby alleged that pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPRL § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR §§ 1602(7) and 1602(11).

59. That the amount of damages sought exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, PLAINTIFF, NICHOLAS TATE demands judgment against the defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York
August 22, 2019

Respectfully submitted,



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Attorneys for Plaintiff Nicholas Tate


VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York
August 22, 2019



MICHAEL G. DOWD
Attorney for Plaintiff
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New York, NY 10016
(212) 751-1640